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OCTOBER TERM, 1995

CARRIE JAFFEE, as Special Administrator for Ricky Allen, Sr., Deceased,
Petitioner,
v.
MARYLU REDMOND, *et al.*,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

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BRIEF *AMICI CURIAE* OF NATIONAL NETWORK TO END DOMESTIC VIOLENCE, FLORIDA COALITION AGAINST DOMESTIC VIOLENCE, ILLINOIS COALITION AGAINST DOMESTIC VIOLENCE, IOWA COALITION AGAINST DOMESTIC VIOLENCE, KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE,

(Additional Amici Continued on Inside Cover)

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TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTEREST OF THE AMICI CURIAE	1
SUMMARY OF ARGUMENT	2
ARGUMENT	3
I. DOMESTIC VIOLENCE DEVASTATES MILLIONS OF LIVES	5
II. CONGRESS AND STATE LEGISLATURES HAVE ARTICULATED A STRONG PUBLIC POLICY IN FAVOR OF INTERVENTION AGAINST DOMESTIC VIOLENCE AND PROVISION OF CONFIDENTIAL SERVICES TO VICTIMS OF DOMESTIC VIOLENCE	8
III. COUNSELING AND SHELTER PROGRAMS, OFTEN OPERATED BY FORMER VICTIMS OF DOMESTIC VIOLENCE, ARE THE MOST EFFECTIVE MEANS FOR PROTECTING AND AIDING BATTERED WOMEN AND FOR SUBSTANTIALLY REDUCING THE INCIDENCE OF DOMESTIC VIOLENCE	13
IV. THE CRITICAL FUNCTION TO BE PROTECTED IS A RELATIONSHIP IN WHICH CONFIDENTIALITY AND PRIVACY ARE EXPECTED BY THE BATTERED WOMAN AND REQUIRED FOR SUCCESSFUL COUNSELING	16
A. Confidentiality Is Essential To Guarantee the Safety of Battered Women	17
B. Confidentiality Is Essential to Promote the Counseling Needs of Battered Women	20
V. A PSYCHOTHERAPIST-PATIENT PRIVILEGE FUNCTIONALLY DEFINED TO ENCOMPASS A COUNSELOR-BATTERED WOMAN PRIVILEGE IS JUSTIFIED IN THE LIGHT OF REASON AND EXPERIENCE	21
CONCLUSION	23
APPENDIX	1a

TABLE OF AUTHORITIES

CASES — Page

D.C. v. Superintendent of Elections, 618 A.2d 931 (N.J. Super. Ct. 1992) 11
In Re Pittsburgh Action Against Rape, 428 A.2d 126 (Pa. 1981) 15, 20
Patricia Ann S. v. James Daniel S., 435 S.E.2d 6 (W. Va. 1993) 7
People v. Pena, 487 N.Y.S.2d 935 (Sup. Ct. 1985) 21
Taylor v. United States, 222 F.2d 398 (D.C. Cir. 1955) 20
Trammel v. United States, 445 U.S. 40 (1980) 3

FEDERAL STATUTES

42 U.S.C. § 13951 (1995) 11
42 U.S.C. §§ 10401, *et seq.* (1995) 8, 11, 14
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Fed. R. Evid. 501 3
Violence Against Women Act of 1994, Pub. L. No. 103-322, §§ 40001-703, 108 Stat. 1796, 1902-55 (1994) 8, 9

STATE STATUTES

Ala. Code § 30-5-1, *et seq.* (1995) 9
Ala. Code §§ 15-23-40 to -45 (1990) 13
Alaska Stat. § 25.35.010, *et seq.* (1995) 9
Ariz. Rev. Stat. Ann. §§ 13-3601 to 02 (West 1995) 9
Ark. Code Ann. § 27-50-906 to -908 (Michie 1994) 11
Ark. Stat. Ann. § 9-15-101, *et seq.* (1995) 9
Cal. Veh. Code § 1808.21 (West 1995) 11
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Colo. Rev. Stat. Ann. § 14-10-124 (West 1995) 10
Colo. Rev. Stat. Ann. § 24-72-204 (West 1995) 11
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Conn. Gen. Stat. Ann. § 46b-38b (West 1994) 10
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D.C. Code Ann. § 16-1031 (1994) 10
Fla. Stat. Ann. § 61.13 (West 1995) 10

TABLE OF AUTHORITIES—Continued

Page

Idaho Code § 32-717B (1995) 10
Ill. Ann. Stat. ch. 110, para. 8-802.2 (Smith-Hurd Supp. 1995) 12
Ind. Code Ann. §§ 35-37-6-1 to -11 (Burns Supp. 1995) 13
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Ky. Rev. Stat. Ann. § 508.140 (Baldwin 1995) 10
La. Rev. Stat. Ann. § 46:2124.1 (West 1994) 12
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Minn. Stat. Ann. § 171.12 (1986 & Supp. 1995) 11
Minn. Stat. Ann. § 518.17 (West 1995) 10
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N.D. Cent. Code § 14-09-06.2 (1993) 10
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N.J. Stat. Ann. § 9:204 (West 1995) 10
N.J. Stat. Ann. §§ 2A:84A-22.14-22.15, 84A-29 (West 1995) 13
N.M. Stat. Ann. §§ 31-25-1 to -6 (Michie 1995) 13
Nev. Rev. Stat. § 171.1225 (1993) 10
Okla. Stat. Ann. tit. 10, § 21.1 (West 1995) 10
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42 Pa. Cons. Stat. Ann. § 5945.1 (Supp. 1991) 13
Tenn. Code Ann. § 39-17-315 (1995) 10
Tex. Fam. Code Ann. § 71.111 (West 1995) 11
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Wash. Rev. Code §§ 40.24.060-.24.070 (1995) 11
Wash. Rev. Code Ann. §§ 40.24.010-.24.900 (West 1995) 12
Wis. Stat. Ann. § 767.24 (West 1995) 10
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	Page
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	Page
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TABLE OF AUTHORITIES—Continued

Page

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BRIEF *AMICI CURIAE* OF NATIONAL NETWORK TO END DOMESTIC VIOLENCE, *ET AL.* IN SUPPORT OF RESPONDENTS

INTEREST OF THE AMICI CURIAE

Amici curiae National Network to End Domestic Violence, Florida Coalition Against Domestic Violence, Illinois Coalition Against Domestic Violence, Iowa Coalition Against Domestic Violence, Kansas Coalition Against Sexual and Domestic Violence, Maryland Network Against Domestic Violence, Minnesota Program Development, Inc., My Sisters' Place, National Organization for Men Against Sexism, Nebraska Domestic Violence and Sexual Assault Coalition, New Hampshire Coalition Against Domestic and Sexual Violence, New Jersey Coalition for Battered Women, New York City Coalition of Battered Women's Advocates, North Dakota Council on Abused Women's Services, NOW Legal Defense and Edu-

cation Fund, Oklahoma Coalition Against Domestic Violence and Sexual Assault, Oregon Coalition Against Domestic Violence and Sexual Assault, Pennsylvania Coalition Against Domestic Violence, The Roswell Refuge for Battered Adults, SAFE Homes-Rape Crisis Coalition, Texas Council on Family Violence, and Wisconsin Coalition Against Domestic Violence submit this brief in support of Respondents.[1] The interest of *amici* are described in the Appendix to this brief.

SUMMARY OF ARGUMENT

Amici submit this brief in support of Respondents' argument that Rule 501 of the Federal Rules of Evidence affords a privilege for psychotherapist-patient communications, and further argue that this privilege encompasses counselor-battered woman communications. For millions of women and children, violent physical abuse and mental and emotional trauma are part of everyday life. While Congress, state legislatures, and the courts are beginning to recognize this public disgrace and to intervene to deal with this crisis, counseling and shelter programs have since the mid-1970s provided the most effective and often the only services to victims of domestic violence. Equally important, these programs have been and continue to be primarily responsible for the physical safety of victims and their children.

At the heart of these programs is the counselor-battered woman relationship, which depends more on privacy and confidentiality than other therapeutic relationships because not only mental health but physical safety is at stake. The risk of violent assaults, including those resulting in death, increases when a battered woman contemplates leaving or leaves an abusive relationship. Thus, it is vital that information concerning her counseling, as well as the very fact that she is seeking counseling at all, be kept confidential from her abuser. Counseling and shelter programs, therefore, with the sanction of Congress and state legislatures, guard the confidentiality of information concerning the battered women using their services.

[1] Consistent with S. Ct. R. 37.3, all parties have given *amici* their consent to the filing of this brief.

A rule of privilege, however, tied to labels and licenses often would exclude the counselors most able to help battered women, counselors who frequently advise from their shared experience as domestic violence victims. Unless the courts recognize a privilege that encompasses the confidentiality of counselor-battered woman communications, women may decline to utilize valuable domestic violence counseling services. Worse still, women who seek assistance risk experiencing an escalation of the abuse. Accordingly, "reason and experience" suggest that the Court recognize a counselor-battered woman privilege under Rule 501.

ARGUMENT

This case presents the question whether federal courts should recognize a psychotherapist-patient privilege under Rule 501 of the Federal Rules of Evidence,[2] and, if so, whether this privilege should be functionally defined by the presence of privacy and therapeutic considerations rather than by provider labels, licensure, or training. *Amici* join in Respondents' argument that Rule 501 encompasses the psychotherapist-patient privilege and further argue that the privilege includes the functional equivalent in the domestic violence context—the counselor-battered woman privilege.[3] The counselor-battered

[2] Fed. R. Evid. 501 states in relevant part:

> Except as otherwise required by the Constitution of the United States or provided by Act of Congress or in rules prescribed by the Supreme Court pursuant to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience.

[3] See *Trammel v. United States*, 445 U.S. 40, 47 (1980) (noting that Rule 501 "manifested an affirmative intention not to freeze

woman relationship has the same attributes justifying protection as the psychotherapist-patient relationship: Battered women confide in counselors [4] to recover their mental and emotional well-being.

The case for a privilege protecting the counselor-battered woman relationship is particularly compelling because the relationship is founded on not only therapeutic confidence and privacy, but the physical safety of the victim and often the children who accompany her to a shelter. Communications between a counselor and a battered woman include counseling to ensure the physical safety of the battered woman whose life and whose children's lives are in immediate and continuous risk from her abuser. Revealing any communications between a battered woman and her counselor may increase the risk and level of physical violence. Furthermore, while many battered women seek domestic violence counselors for their specialized expertise, many others must rely upon counselors because their access to more formal psychotherapy is blocked by their abusers' control of family financial resources,[5] including insurance benefits. It would be patently unfair to deny battered women a privilege solely because of financial desperation. Thus, a

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the law of privilege" but instead to " 'provide the courts with the flexibility to develop rules of privilege on a case-by-case basis' " (citations omitted)); see also 23 Charles A. Wright & Kenneth W. Graham, *Federal Practice and Procedure* § 5422, at 691 (1980) [hereinafter "Wright & Graham"] ("the enactment of Rule 501 was not intended to freeze the present law of privilege").

[4] The term "counselor" as used in this brief means an individual engaged in a domestic violence program, the primary purpose of which is to render counseling to victims of domestic violence. A counselor can serve many roles, including, but not limited to, counseling, advising, answering crisis hotlines, advocating on behalf of a battered woman with law enforcement officials, and providing information and referrals.

[5] See Martha F. Davis & Susan J. Kraham, *Protecting Women's Welfare in the Face of Violence*, 22 Fordham Urb. L. J. 1141, 1150-51 (1995).

counselor-battered woman privilege is at once similar to and more compelling than the psychotherapist-patient privilege. "Reason and experience" therefore warrant a functionally defined psychotherapist-patient privilege sufficient to protect the counselor-battered woman relationship.

I. DOMESTIC VIOLENCE DEVASTATES MILLIONS OF LIVES.

Estimates of the number of women severely assaulted each year by their partners range from two million to as high as four million.[6] In proclaiming October 1995 "National Domestic Violence Awareness Month," President Clinton noted that in 1992, nearly thirty percent of all female homicide victims were killed by husbands, former husbands, or boyfriends.[7] Battering has been cited as the most frequent reason why women are treated in emergency rooms,[8] and it is one of the leading causes of injury to women of ages fifteen to forty-four—more common than automobile accidents, muggings, and cancer deaths combined.[9] The total cost of domestic violence to the

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[6] See H.R. Rep. No. 103-711, 103d Cong., 2d Sess. 4 (1995), *reprinted in* 1995 U.S.C.C.A.N. 1839, 1851-52 (finding by Congress that four million women are battered by their partners each year); *Women and Violence: Hearings Before the Senate Comm. on the Judiciary*, 101st Cong., 2d Sess. 117 (1990) (testimony of Angela Browne, Ph.D.) (noting that two million is a conservative estimate and that most experts would agree that four million women is a more accurate estimate); see also *id.* at 79 (1990) (noting from statistics that if every woman victimized by domsetic violence in a given year were to join hands, the line would extend from New York to Los Angeles and back again); Antonia C. Novello, *From the Surgeon General, U.S. Public Health Service, A Medical Response to Domestic Violence*, 267 JAMA 3132, 3132 (1992).

[7] Proclamation No. 6829, 60 Fed. Reg. 51,879 (1995) (citing Department of Justice statistics).

[8] See Novello, *supra*, note 6, at 3132.

[9] *Violence Against Women: A Week in the Life of America*, a Majority Staff Report, Senate Comm. on the Judiciary, 102d

American economy may be between $5 and $10 billion per year.[10]

On a personal level, domestic violence devastates the lives of its victims. Fatalities aside, physical injuries such as shattered bones, scratches, bruises, and burns are only the more visible consequences. The emotional and mental harm can be equally severe: Battered women fear for their safety, expect violence to recur, lose their self-esteem, feel out-of-control and trapped, develop an increased tolerance for violence and abuse, and lose faith in others.[11] They commonly feel a sense of terror, depression, grief, anger, rage, hatred, and shame. Battered women also are known to develop nightmares, sexual dysfunctions, concentration problems, and addictions.[12] Domestic violence is abuse of the mind and spirit as well as the body.

The children of battered women also suffer enormously. They are traumatized just by witnessing the abuse of their mothers.[13] As noted by Chief Justice Workman of the West Virginia Supreme Court:

Cong., 2d Sess. 3 (1992). See also *Developments in the Law—Legal Responses To Domestic Violence*, 106 Harv. L. Rev. 1498, 1501 (1993) [hereinafter "Responses to Domestic Violence"] (noting Suregon General's report that abuse inflicted by intimates constitutes one of the leading causes of injury to women in the United States).

[10] Harris Meyer, *The Billion-Dollar Epidemic*, Am. Med. News, Jan. 6, 1992, at 7 (including costs attributed to health care, investigative and protective services, the criminal justice system (including police forces), and lost worker productivity).

[11] Mary Ann Dutton, *Understanding Women's Responses to Domestic Violence: A Redefinition of Battered Woman Syndrome*, 21 Hofstra L. Rev. 1191, 1218-19 (1993) (citations omitted).

[12] *Id.* at 1221-22.

[13] *Id.* at 1211 (citing Peter G. Jaffee, *et al.*, *Children of Battered Women* (1990)). Nearly three million children witness their mothers being physically battered each year. Alan J. Tomkins, *et al.*, *The Plight of Children who Witness Woman Batter-*

> Children learn several lessons in witnessing the abuse of one of their parents. First, they learn that such behavior appears to be approved by their most important role models and that the violence toward a loved one is acceptable. Children also fail to grasp the full range of negative consequences for the violent behavior and observe, instead, the short term reinforcements, namely compliance by the victim. Thus, they learn the use of coercive power and violence as a way to influence loved ones without being exposed to other more constructive alternatives. In addition to the effect of the destructive modeling, children who grow up in violent homes experience damaging psychological effects.[14]

Furthermore, these children may suffer incidental injury simply from being present during assaults on their mothers, or they may be targets of abuse themselves.[15] In addition, there is an intergenerational aspect to domestic violence. It is well established that a male who witnesses family violence as a child will be predisposed to committing family violence as an adult.[16]

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ing: Psychological Knowledge and Policy Implications, 18 Law & Psychol. Rev. 137 (Spring 1994) (citing numerous sources).

[14] *Patricia Ann. S. v. James Daniel S.*, 435 S.E.2d 6, 18 (W. Va. 1993) (Workman, C.J., dissenting) (citing Laura Crites & Donna Coker, *What Therapists See That Judges May Miss*, The Judges' Journal 11-12 (Spring 1988)).

[15] See Howard A. Davidson, *Child Abuse and Domestic Violence: Legal Connections and Controversies*, 29 Family L. Q. 357, 357 (Summer 1995) (noting "strong substantive correlation" between adult partner abuse and child abuse).

[16] Dutton, *supra* note 11, at 1211-12 (citing Gerald T. Hotaling & David B. Sugarman, *An Analysis of Risk Markers in Husband to Wife Violence: The Current State of Knowledge*, 1 Violence & Victims 101 (1986)).

II. CONGRESS AND STATE LEGISLATURES HAVE ARTICULATED A STRONG PUBLIC POLICY IN FAVOR OF INTERVENTION AGAINST DOMESTIC VIOLENCE AND PROVISION OF CONFIDENTIAL SERVICES TO VICTIMS OF DOMESTIC VIOLENCE.

In recognition of this violence and suffering, Congress and state legislatures have enacted legislation to aid the victims of domestic violence and to strengthen enforcement of the law against perpetrators of domestic violence. Congress enacted the Family Violence Prevention and Services Act [17] and the Victims of Crime Act [18] to provide funds to assist battered women and other victims of domestic violence. These Acts earmark funds "for the purpose of providing immediate shelter and related assistance to victims of family violence." [19] The funds are desperately needed because the demand for shelters far exceeds their capacity. In Philadelphia, one shelter rejects seventy-five percent of the women who seek shelter. Another shelter in New York City turns away one hundred battered women and their children every week. In Massachusetts, women's shelters turn away seventy-one percent of the women seeking shelter and eighty percent of the children.[20] The recently enacted Violence Against Women Act ("VAWA")[21] similarly provides grants for shelters

[17] 42 U.S.C. §§ 10401, *et seq.* (1995).

[18] 42 U.S.C. §§ 10601, *et seq.* (1995).

[19] 42 U.S.C. § 10402(f) (1995).

[20] Ann Jones, *Next Time, She'll Be Dead: Battering & How to Stop It* 229-30 (1994). As of 1994, there were 1,842 domestic violence programs in the United States, including 1,268 shelter programs. National Coalition Against Domestic Violence (1995) (calculated by Stacy Plichta and J.M. Lee, Mt. Sinai School of Medicine).

[21] Violence Against Women Act of 1994, Pub. L. No. 103-322, §§ 40001-703, 108 Stat. 1796, 1902-55 (1994) (codified in scattered sections of 42 U.S.C.).

and related assistance [22] and funds a national domestic violence hotline to facilitate access to information and assistance for battered women.[23] VAWA also created criminal penalties for incidents of interstate domestic violence, including stiff jail terms.[24]

State legislatures have also responded to the domestic violence crisis. For example, all fifty states and the District of Columbia have enacted civil protection order statutes that afford broad relief to adult and child victims of domestic violence.[25] The relief enumerated in state codes includes injunctions against future violence, exclusion from the family domicile, support, custody, relinquishment of weapons, and payment of losses and attorneys fees. Many states now require police departments to respond to domestic violence incidents in the same manner as they would respond to offenses involving strangers.[26] States likewise have passed mandatory arrest statutes that require a police officer to arrest an abuser if there is

[22] See, *e.g.*, *id.* § 40121 (combat violent crimes against women); § 40151 (reduce sexual assaults against women); § 40231 (encourage arrest policies); § 40241 (battered women's shelters); § 40602 (stalking data gathering).

[23] See, *e.g.*, *id.* § 40211.

[24] See, *e.g.*, *id.* § 40221.

[25] See, *e.g.*, Ala. Code § 30-5-1, *et seq.* (1995); Alaska Stat. § 25.35.010, *et seq.* (1995); Ariz. Rev. Stat. Ann. §§ 13-3601 to 02 (West 1995); Ark. Stat. Ann. § 9-15-101, *et seq.* (1995); Colo. Rev. Stat. § 14-4-101, *et seq.* (1995).

[26] See, *e.g.*, Mo. Rev. Stat. § 455.080 (1995). Of course, implicit in this requirement is the unfortunate fact that in the absence of legislation, many police officers regard domestic violence as less serious than other violent crimes—even though the statistics show that women are far more likely to be assaulted or killed by their partners than by strangers. See *Responses To Domestic Violence*, *supra* note 9, at 1501 (noting that as many as forty percent of calls to police involve domestic disturbances).

probable cause to believe that an assault has occurred or that a protective order has been violated.[27] More recently, forty-nine states and the District of Columbia have enacted anti-"stalking" laws, criminalizing harassment that threatens death or serious injury.[28]

In addition, many states have now adopted custody codes requiring courts in custody deliberations to consider evidence of domestic violence against the perpetrator.[29] Some states have embraced presumptions against any award of custody to perpetrators of domestic violence.[30] State legislatures thus have recognized that domestic violence jeopardizes the well-being of children who witness the abuse and have mandated counseling for perpetrators as a condition precedent to custodial access.

Both federal and state legislatures also have recognized the importance of protecting the privacy of battered women and the confidentiality of their dealings with support services. The Family Violence Prevention and Services Act, for example, forbids grants to any program without "documentation that procedures have been developed . . . to assure the confidentiality of records pertaining to any individual provided family violence prevention

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[27] See, *e.g.*, Conn. Gen. Stat. Ann. § 46b-38b (West 1994); D.C. Code Ann. § 16-1031 (1994); Kan. Stat. Ann. § 22-2307 (1994); Nev. Rev. Stat. § 171.1225 (1993); N.J. Stat. Ann. § 2C:25-21 (West 1995); Or. Rev. Stat. § 133.055(2)(a) (1993).

[28] See, *e.g.*, Ky. Rev. Stat. Ann. § 508.140 (Baldwin 1995); Okla. Stat. Ann. tit. 21, § 1173 (West 1995); Tenn. Code Ann. § 39-17-315 (1995).

[29] See, *e.g.*, Colo. Rev. Stat. Ann. § 14-10-124 (West 1995); Fla. Stat. Ann. § 61.13 (West 1995); Minn. Stat. Ann. § 518.17 (West 1995); N.J. Stat. Ann. § 9:204 (West 1995).

[30] See, *e.g.*, Idaho Code § 32-717B (1995); N.D. Cent. Code § 14-09-06.2 (1993); Okla. Stat. Ann. tit. 10, § 21.1 (West 1995); Wis. Stat. Ann. § 767.24 (West 1995).

or treatment services."[31] Additionally, VAWA requires the United States Postal Service to implement new regulations "to secure the confidentiality of domestic violence shelters and abused persons' addresses."[32] Because many shelters and counseling programs receive federal funding, they must resist all attempts to divulge confidential information about the battered women they serve.

Similarly, state legislatures have acted specifically to protect the confidentiality of battered women by restricting access to information that would reveal their locations. For example, some states require, or at least allow, courts to keep addresses of battered women confidential.[33] Others permit victims to remove their driver's license and registration information from the public record.[34] Colorado allows a battered woman to make any public record confidential if she submits an affidavit stating that she believes she will be harassed or threatened with bodily harm.[35] New Jersey and Washington enable a battered woman to register to vote without disclosing her street address.[36]

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[31] 42 U.S.C. § 10402(a)(2)(E) (1995). The Victims of Crime Act contains a similar provision. 42 U.S.C. § 10604(a) (1995).

[32] 42 U.S.C. § 13951 (1995).

[33] See, *e.g.*, Mass. Gen. L. ch. 209A, § 8 (1995); N.J. Rev. Stat. Ann. § 2C:25-26 (West 1995); Tex. Fam. Code Ann. § 71.111 (West 1995); Wis. Stat. Ann. §§ 813.125, 895.67 (West 1995).

[34] See, *e.g.*, Ark. Code Ann. §§ 27-50-906 to -908 (Michie 1994); Cal. Veh. Code § 1808.21 (West 1995); Minn. Stat. Ann. § 171.12 (1986 & Supp. 1995).

[35] Colo. Rev. Stat. Ann. § 24-72-204 (West 1995).

[36] N.J. Rev. Stat. Ann. §§ 2C:25-26, 19:31-3.2 (West 1995); Wash. Rev. Code §§ 40.24.060-.24.070 (1995). The New Jersey legislature enacted its statute after a court held that a battered woman could register to vote without disclosing her street address. See *D.C. v. Superintendent of Elections*, 618 A.2d 931, 932 (N.J. Super. Ct. 1992).

The State of Washington manages the most sweeping confidentiality system, effectively assisting battered women to disappear.[37] The Address Confidentiality Program permits a battered woman to list a post office box supplied by the Secretary of State's office as her address. State employees then forward mail to her real home. The program also allows a battered woman to seal her records to thwart her abuser's efforts to locate her. Shelters, which coordinate with the state, actually relocate the battered women. During its four years of operation, the program has served approximately 600 clients.[38]

In 1982, in an effort to protect further the confidentiality of battered women, the President's Task Force on Victims of Crime recommended that legislation be enacted "to ensure that designated victim counseling is legally privileged and not subject to defense discovery or subpoena."[39] The recommendation specifically addressed the need to enact a privilege that would cover social workers, nurses, and victims counselors, not just psychiatrists and psychologists who serve wealthier clients.

Many states responded by enacting statutory privileges to guard the confidentiality of the communications between a counselor and a crime victim. At least one-fifth of the states have enacted a counselor-battered woman privilege.[40] Other states have passed more general

[37] See Wash. Rev. Code Ann. §§ 40.24.010-.24.900 (West 1995); Wash. Admin. Code § 434-840 (West 1994); Julie McDonald, *Concealed Identity*, Daily News (Longview, Wash.), June 18, 1991, at A1.

[38] See Nancy Cleeland, *One State Helps Women Get Away*, San Diego Union-Trib., July 10, 1994, at A22.

[39] President's Task Force on Victims of Crime, Final Report 17, 22 (1982).

[40] See, *e.g.*, Cal. Evid. Code §§ 1037.1-37.7 (West 1995); Conn. Gen. Stat. § 52-146(k) (West 1994); Ill. Ann. Stat. ch. 110, para. 8-802.2 (Smith-Hurd 1995); La. Rev. Stat. Ann. § 46:2124.1 (West 1994); Mass. Gen. Laws Ann. ch. 233, § 20j (1995); Mich. Comp. Laws § 600.2157a (1995); N.D. Cent. Code § 14-07.1-18 (1993); 42 Pa. Cons. Stat. Ann. § 5945.1 (Supp. 1991); see also Wyo. Stat. §§ 1-12-116, 14-3-210 (1977).

counselor-victim privileges.[41] Because of the increasing concern about domestic violence, the enactment of more state privilege statutes is likely to occur. Failure to recognize a counselor-battered woman privilege thus would subvert the efforts of state legislatures and Congress to protect battered women's safety.

III. COUNSELING AND SHELTER PROGRAMS, OFTEN OPERATED BY FORMER VICTIMS OF DOMESTIC VIOLENCE, ARE THE MOST EFFECTIVE MEANS FOR PROTECTING AND AIDING BATTERED WOMEN AND FOR SUBSTANTIALLY REDUCING THE INCIDENCE OF DOMESTIC VIOLENCE.

As the statistics demonstrate, and as Congress and state legislatures have properly recognized, domestic violence is a national tragedy and its victims are in critical need of outside assistance to deal with the effects of abuse. Domestic violence programs are considered the most effective means for recovering physical and mental health because they "offer a combination of services that cannot be found in any other type of helping organization."[42] Shelter and counseling services are "havens where [a battered woman] can recuperate from her wounds, recover her sense of self, and re-evaluate her situation."[43] It is therefore not surprising that Congress in VAWA appropriated at least $182 million for fiscal years 1996 through

[41] See, *e.g.*, Ala. Code §§ 15-23-40 to -45 (1990); Ind. Code Ann. §§ 35-37-6-1 to -11 (Burns 1995); Iowa Code Ann. § 236A.1 (1994); N.J. Stat. Ann. §§ 2A:84A-22.14 to -22.15, :84A-29 (West 1995); N.M. Stat. Ann. §§ 31-25-1 to -6 (Michie 1995).

[42] Lee H. Bowker, *Ending the Violence* 86 (1986).

[43] Del Martin, *Battered Wives* 197 (1976).

2000 to support battered women's shelters, where women can recuperate and receive counseling.[44]

Counseling and shelter programs furnish a variety of services, including hotlines, individual and group counseling, housing, advocacy services, physical protection, emergency medical care, food, clothing, transportation, childcare, and outreach and education programs. The counseling function is an integral part of these programs in two ways. First, by encouraging battered women to confide in them, counselors are best able to evaluate the particular risks posed by perpetrators and to help identify the services and legal interventions that will enable the victims to escape the abuse. Second, a counselor can provide psychological counseling appropriate to feelings of despair, depression, fear, and shame, which will enable the patient to regain self-confidence and leave the abusive relationship.

Counselors are very often former victims of domestic violence themselves who have succeeded in escaping such relationships. They are particularly qualified to assure the battered woman that her situation is not unique. Counselors inform battered women that women of all ages, socio-economic classes, religions, races, and cultures are battered by the men who profess to love them. Such information may profoundly change the abused woman's understanding of her experience, permitting her to reject the excuses the batterer advances as justification for his maltreatment. Domestic violence services thus may provide critical counseling that helps the battered woman affirm her integrity and reclaim her ability to resist the violence and to act effectively to protect herself and her children. Counselors function like psychotherapists, while also offering shared experience to reduce isolation and rebuild the self-esteem of battered women. Their counseling additionally supplies the critical components of strategic planning with victims for physical safety and access to legal resources.

[44] See 42 U.S.C. §§ 10409(a)-(b); §§ 10402(a), (f).

Given the nature of their qualifications, counselors often do not have formal credentials. Though counselors may be psychiatrists or psychotherapists, many are social workers, clergy, attorneys, or volunteers with significant life experience.[45] The last category includes the survivors of abuse who have chosen to help other battered women.

The psychotherapist-patient privilege should be defined functionally to meet the needs of confidentiality and privacy that justify protection. In determining a privilege, courts should focus on the substance of the counseling relationship rather than the identity or credentials of the counselor. The privilege should protect the life-preserving and therapeutic function of the relationship not only when counseling is performed by credentialed individuals, but, more importantly, also when performed by counselors in an organizational environment that is recognized as safeguarding important public policy and social interests. To focus on labels would be to sacrifice substance to form.

Indeed, recognizing substance over labels in the counselor-battered woman relationship is especially compelling because this relationship typically involves more sensitive and embarrassing personal disclosures than those considered in other privileged relationships.[46] To focus on labels rather than substance in this context would result

[45] See Catherine M. Baytion, *Toward Uniform Application of a Federal Psychotherapist-Patient Privilege*, 70 Wash. L. Rev. 153, 153 (1995) ("Social workers; psychiatric nurses; counselors of rape victims, battered women, and drug and alcohol abusers; as well as school guidance counselors and marital and family counselors arguably perform the same functions as psychotherapists."); Catharina J.H. Dubbelday, *The Psychotherapist-Client Testimonial Privilege: Defining The Professional Involved*, 34 Emory L. J. 777, 821 (1985) ("[A]n approach that focuses only on the credentials of a professional seems arbitrary.").

[46] *Cf. In Re Pittsburgh Action Against Rape*, 428 A.2d 126, 146 (Pa. 1981) (Larsen, J., dissenting).

in conditioning the privilege on the victim's ability to pay a formally licensed psychotherapist. The counselor is often the poor person's psychotherapist.[47]

> [M]any domestic violence victims are economically dependent on the men who abuse them[;] few victims have the resources necessary to begin a new life for themselves and their children. Batterers commonly isolate battered women from financial resources. For example, many battered women do not have ready access to cash, checking accounts, or charge accounts. One study showed that 27% of battered women had no access to cash, 34% had no access to a checking account, 51% had no access to charge accounts, and 22% had no access to a car.[48]

Recognizing a privilege for the psychotherapist and not the counselor who performs the same function would be to draw an arbitrary socio-economic distinction.[49]

IV. THE CRITICAL FUNCTION TO BE PROTECTED IS A RELATIONSHIP IN WHICH CONFIDENTIALITY AND PRIVACY ARE EXPECTED BY THE BATTERED WOMAN AND REQUIRED FOR SUCCESSFUL COUNSELING.

Confidentiality is the cornerstone of all successful counseling and shelter programs. Without confidentiality, few battered women would seek help for fear that their abusers would learn of their disclosures and retaliate against them. Without assurances of confidentiality, few battered women would divulge their private thoughts and

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[47] See Wright & Graham, *supra* note 3, § 5429, at 819 (noting that the number of social workers exceeds the combined number of psychiatrists, physicians and psychologists in low income areas).

[48] See Davis, *et al.*, *supra* note 5, at 1150.

[49] Failing to recognize the privilege would also discriminate against women who wish to benefit from the specialized expertise of a domestic violence counselor, even if they could afford a psychotherapist.

feelings, even though such disclosures are necessary to make recovery possible. For these reasons, counselors assure each battered woman that her dealings with these programs, including her communications, will be kept strictly confidential.

A. Confidentiality Is Essential To Guarantee the Safety of Battered Women.

The physical danger faced by battered women underscores the necessity for confidentiality in the relationships they have with counselors. By seeking help, battered women often expose themselves to grievous harm:

> Most victims of domestic violence have been threatened with further assault or even death if they ever reveal what their abusers have done to them. Almost all battered women are terrified of these threats. . . . Without assurances of confidentiality, few battered women would contact domestic violence programs or open up to battered women's counselors.[50]

Battered women have reason to believe the threats of their batterers: The risk of violent assaults on battered women increases when a woman makes an effort to leave or after she has left.[51] Not only does non-fatal violence

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[50] Joan Zorza, *Recognizing and Protecting the Privacy and Confidentiality Needs of Battered Women*, 29 Fam. L. Q. 273, 295 (Summer 1995).

[51] See *id.* at 294 (citing Lenore E. Walker, *The Battered Woman Syndrome* 25-26 (1984)); Dutton, *supra* note 11, at 1212; Martha R. Mahoney, *Legal Images of Battered Women: Redefining the Issue of Separation*, 90 Mich. L. Rev. 1, 5-6 (1991); see also Bureau of Justice Statistics, *Criminal Victimization in the United States, 1990*, U.S. Dep't of Justice, February 1992 (divorced or separated persons had the highest rate of violent crimes committed by relatives); Mary P. Koss, *et al.*, *No Safe Haven: Male Violence Against Women at Home, at Work, and in the Community* 98-99 (1994); J.M. Lawrence, *Fleeing Abuse Is Often Deadly For Women*," Boston Herald, Oct. 15, 1995, at 26.

escalate,[52] but deadly violence increases as well. Women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship.[53] Thus, confidentiality is not just a convenience to battered women—it is a necessity.[54]

Since the inception of domestic violence counseling and shelter services in the mid-1970s, domestic violence programs have embraced the ethical principle of confidential communications between victims and counselors. This principle has been vigorously and effectively pursued by domestic violence programs in policy, practice, legislation, and litigation. Domestic violence programs take every precaution to ensure the confidentiality necessary to protect battered women from their abusers.[55] Domestic violence programs rarely publish the addresses of shelters and safe home services, nor do they reveal the whereabouts of battered women once they leave home. All programs maintain confidentiality policies. Most involve training their counselors to refuse to disclose any information about a battered woman without her consent.[56] Moreover,

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[52] See David Adams, *Identifying the Assaultive Husband in Court: You Be the Judge*, 13 Repsonse 13, 13 (1990).

[53] See Dutton, *supra* note 11, at 1212; Lan Nguyen, *Police Say Man Stalked Wife Before Killing*, Wash. Post, Dec. 28, 1995, at B1 (describing battered woman murdered by husband one day after arrested and released for stalking and five months after separation).

[54] Fearing future retaliation and violence, battered women often make great efforts to preserve the confidentiality of their location once they leave the batterer. See Zorza, *supra* note 50, at 280 (quoting Catherine Kirkwood, *Leaving Abusive Partners: From the Scars of Survival to the Wisdom for Change* 103 (1993) (describing efforts, such as paying utility bills under aliases, to remove "any indication of existence")).

[55] Susan H. Rauch, *Protecting Confidentiality of Victim-Counselor Communications* 47 (1993).

[56] See, *e.g.*, Statement of Confidentiality for My Sister's Place, Washington, D.C. (providing that service volunteers "will never reveal the location of the shelter to anyone" and that any information relating to clients "is confidential and not to be shared or repeated to anyone"); Model Pennsylvania Confidentiality Policy (providing that the women's center and its employees will "hold confidential all communications, observations and information made by, between, or about clients") (cited Rauch, *supra* note 55, at Appendix V).

in an era where the privacy of telephone communications has become complicated and costly, domestic violence programs across the country have taken leadership roles in public policy dialogue and litigation to assure that telephone privacy and safety is accessible to all telephone users. Shelters and counseling programs have tailored telephone practices to prevent disclosure of counseling relationships and the communications therein. The uniform application of confidentiality policies among shelters and the seriousness with which those policies are administered consequently have led to a culture of privacy and nondisclosure.

Unless privileged, all of the communications concerning safety precautions can be compromised through court processes. Abusers could use the legal system to extract confidential information, such as the details of battered women's escape plans, completely compromising the safety of battered women and their children and also the safety of those persons and organizations enlisted to assist them. Disclosure of the extent of the fear, despair, and trauma resulting from the abuse would also confirm for perpetrators that violence has been highly effective. Disclosure thus may encourage escalated coercion and violence to maintain control over a battered woman or to impede a battered woman's departure from the relationship. Similarly, revealing discussions pertaining to relocation simplifies the efforts of abusers to locate and further abuse battered women. Even acknowledging the existence of a woman's communications with shelters or other support organizations may infuriate an abuser, heightening the danger of assault before and after escape.

B. Confidentiality Is Essential to Promote the Counseling Needs of Battered Women.

While confidentiality is vital to protect the safety of battered women, it is also an integral component to successful therapeutic counseling. A battered woman must confide in her counselor, revealing private and embarrassing information.[57] Often, she feels isolated by her abuser and forgotten, ignored, or stigmatized by society. Many battered women feel humiliated by their situation, including their inability to stop the violence of their abusers.[58] The private and sensitive nature of the information involved in this counseling leads the battered woman implicitly to expect confidentiality, and this is usually confirmed by express promises by shelter personnel of confidentiality. Few battered women would broach these most private subjects without express assurances of confidentiality. Thus, without a guarantee that her communications will be kept confidential, a battered woman who needs counseling may be afraid to seek assistance at all.[59]

Moreover, even if she pursues counseling, any risk of disclosure necessarily inhibits a battered woman from freely revealing all of her fears, feelings, and anxieties, thereby limiting the effectiveness of the counseling.[60]

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[57] *Cf. Taylor v. United States*, 222 F.2d 398, 401 (D.C. Cir. 1955).

[58] Zorza, *supra* note 50, at 295; see also Roberta L. Valente, *Addressing Domestic Violence: The Role of the Family Law Practitioner*, 29 Fam. L. Q. 187, 187-88 (Summer 1995) ("[V]ictims are not always comfortable admitting to the violence in their homes. They have good reason to be mistrustful because our society has not yet shown it is willing to offer consistent support to victims of domestic violence.").

[59] See Ralph Slovenko, *Psychiatry and a Second Look at the Medical Privilege*, 6 Wayne L. Rev. 175, 188-89 (1960).

[60] *Cf. In re Pittsburgh Action Against Rape*, 428 A.2d 126, 146-47 & n.2 (Pa. 1981) (Larsen, J., dissenting) (rape victims asked that their records be destroyed and anonymous telephone calls increased after publicity from case called into question rape counseling center's ability to maintain confidentiality).

Any hesitation to disclose this sensitive information to a counselor restricts the ability of the counselor to evaluate with the battered woman the various ways to escape her abusive relationship and effect a full recovery.[61]

Confidentiality also is necessary to reestablish and protect the dignity of battered women. In a violent relationship, an abuser treats a battered woman as inferior and worthless, ignoring and ridiculing her feelings and ideas. To convince her that she is insignificant, an abuser often isolates a battered woman from everyone and everything she values. Assuring confidentiality demonstrates to a battered woman that her concerns and feelings are significant and worthy of protection, thus helping to rebuild her dignity. Forcing a counselor to betray a battered woman's confidences would further damage her dignity. Indeed, it would be a "great irony" that an attacker could safely confess to his attorney the details of the crime he has committed, with full confidence that this information is not available to others to be used against him during trial, but that the victim of such an assault has no such guarantee.[62]

V. A PSYCHOTHERAPIST-PATIENT PRIVILEGE FUNCTIONALLY DEFINED TO ENCOMPASS A COUNSELOR-BATTERED WOMAN PRIVILEGE IS JUSTIFIED IN THE LIGHT OF REASON AND EXPERIENCE.

Although, like all other privileges, the counseler-battered woman privilege would remove potentially relevant information from consideration by a judge or jury, it is justified because the benefit to society achieved by allowing the privilege is greater than the harm realized by not recognizing it.[63] The harm that results from not recognizing

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[61] Rauch, *supra* note 55, at 46 (describing the need for complete and accurate details for a counselor to be able to assess the level of danger, design a safety plan, and to consider legal options).

[62] See *People v. Pena*, 487 N.Y.S.2d 935, 939 (Sup. Ct. 1985).

[63] See John H. Wigmore, *Wigmore on Evidence* § 2285, at 527 (McNaughton rev. 1961) (stating that an essential condition for

the privilege is manifest. Domestic violence results in physical and psychological injury to millions of women in this country every year. The insidious impact of the violence ripples through families, communities and even generations. It is indisputable that for both victims and society, domestic violence levies an enormous physical, mental and financial toll.

One of the most effective means to stop the violence and its consequential harm is for battered women to seek domestic violence counseling. Unless the courts clearly affirm a privilege that encompasses counselor-battered woman communications, battered women will be reluctant to seek treatment, let alone communicate freely during counseling sessions for fear that their abusers will retaliate against them simply because they sought help. Not only is this result intolerable in light of the increasing incidence of domestic violence, it is contrary to federal and state policy and legislation that both fund and promote domestic violence programs with the expectation that confidentiality will be sedulously protected. "Reason and experience" therefore justify this Court's articulation of a psychotherapist-patient privilege under Rule 501 that encompasses the relationship between counselors and battered women.

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recognition of privileged communication is that the injury that would inure to the relation by disclosure of the communications must be greater than the benefit thereby gained for correct disposal of litigation).

CONCLUSION

For these reasons, the Court should hold that Rule 501 permits federal courts to recognize a psychotherapist-patient privilege and that the Rule should be functionally defined to encompass a counselor-battered woman privilege.

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APPENDIX

APPENDIX

INTEREST OF THE AMICI CURIAE

The following organizations submit this brief as *amici curiae* in support of Respondents:

National Network to End Domestic Violence

The National Network to End Domestic Violence ("NNEDV") is a not-for-profit organization incorporated in the District of Columbia in 1995. NNEDV is a national network of state domestic violence coalitions, representing over 1,600 member programs nationally. NNEDV's mission is to end domestic violence through public policy and education.

Florida Coalition Against Domestic Violence

The Florida Coalition Against Domestic Violence, Inc. ("FCADV") is a not-for-profit organization incorporated in the State of Florida for the purpose of providing services and advocacy to the victims of domestic violence and their minor children. FCADV is a membership organization of thirty-eight certified domestic violence centers, serving more than 80,000 battered women and their dependent children in Florida. For more than seventeen years, it has advertised that its services are confidential. Pursuant to Florida statute, FCADV registers domestic violence advocates who are eligible to claim privilege in communications with victims of domestic violence, and its office monitors compliance with statutory mandates. It provides technical assistance to domestic violence programs in Florida about strategies for preventing any breach of confidential communications and for responding to and resisting requests for disclosure. It periodically offers training for domestic violence centers on a range of issues critical to assuring the privacy and confidentiality of communications of battered women with counsel/

advocates. FCADV has crafted various legislative initiatives and participated in public policy development in Florida to safeguard the confidentiality of communications and addresses/locations of battered women and children seeking to escape from violence.

Illinois Coalition Against Domestic Violence

The Illinois Coalition Against Domestic Violence ("ICADV") is a not-for-profit organization incorporated in the State of Illinois. Founded in 1978, ICADV is a statewide network of forty-three local domestic violence programs that provide services to domestic violence victims and their children, and that seek to prevent and eliminate domestic violence through community education and public policy advocacy. In FY 1995, 45,455 clients received services, of which 98.9 percent were battered women and their dependent children. ICADV has assisted in the development of various public policy initiatives at the state and federal levels, such as the Illinois Domestic Violence Act of 1986 (Ill. Ann. Stat. ch. 750, para. 60-227), to safeguard the confidentiality of communications and addresses/locations of domestic violence victims and their children.

Iowa Coalition Against Domestic Violence

The Iowa Coalition Against Domestic Violence ("Iowa CADV") is a non-profit organization, incorporated in the State of Iowa in 1985. Iowa CADV provides educational and technical assistance to domestic violence programs across Iowa and also acts on a statewide level to promote public policy and legislative issues on behalf of battered women and their interests. Iowa CADV is a membership organization of approximately thirty domestic violence projects. In FY 1995, these programs provided safe shelter for 4,383 battered women and their 5,684 children.

Kansas Coalition Against Sexual and Domestic Violence

The Kansas Coalition Against Sexual and Domestic Violence ("KCSDV") is a not-for-profit organization incorporated in the State of Kansas for the purpose of providing services and advocacy on behalf of victims of domestic violence and sexual assault. KCSDV is a membership organization of thirty shelters, hotlines, counseling programs, safe home networks, legal advocacy projects, children's programs, and transitional housing projects for battered women and abused women and their children. All Kansas domestic violence programs that receive state funds must be accredited through KCSDV. The accreditation standards require that each program adopt a non-disclosure/confidentiality policy. KCSDV monitors the compliance with accreditation standards through the activities of an accreditation committee. KCSDV provides technical assistance to domestic violence organizations in Kansas about methods for preventing any breach of confidential communications and for responding and resisting requests for disclosure. KCSDV also offers technical support to appellate attorneys who represent programs ordered to disclose confidential information.

Maryland Network Against Domestic Violence

The Maryland Network Against Domestic Violence ("MNADV") is a not-for-profit organization incorporated in 1980 in Maryland for the purpose of providing services and advocacy on behalf of the victims of domestic violence and their minor children. MNADV is a membership organization comprised of shelters, hotlines, counseling programs, transitional services and legal advocacy projects for battered women and their dependent children. For the past fifteen years, MNADV has provided training and technical assistance to domestic violence programs, the bar, the courts and law enforcement agencies on issues of domestic violence.

Minnesota Program Development, Inc.

Minnesota Program Development, Inc. ("MPDI") is a non-profit advocacy project focused on the reform of the criminal justice system's response to domestic violence. MPDI houses several national domestic violence programs, including the Domestic Abuse Intervention Project, the Battered Women's Justice Project, and the technical assistance project for the United States Marine Corps' Coordinated Community Response to Spouse Abuse.

My Sisters' Place

My Sisters' Place is a private, not-for-profit agency established in the State of New York to promote healthy, non-violent family life by providing comprehensive programs, including advocacy, community education, and emergency residential services for abused women and their children.

National Organization for Men Against Sexism

The National Organization for Men Against Sexism is a non-profit organization incorporated in the State of Illinois, with a mission of community education to end sexism, heterosexism and racism. Its membership ranges from men who counsel batterers to the principal scholars in the field of Men's Studies.

Nebraska Domestic Violence Sexual Assault Coalition

The Nebraska Domestic Violence Sexual Assault Coalition ("NDVSAC") is a statewide advocacy organization committed to reducing violence against women and children in Nebraska. Its primary purpose is to provide training and technical assistance to the twenty-two community-based domestic violence and sexual assault programs throughout Nebraska. NDVSAC's broader mission is to increase public awareness and understanding about domestic violence and sexual assault and the impact this violence

has on other major problems facing Nebraska, including child abuse, juvenile delinquency, and youth violence.

New Hampshire Coalition Against Domestic and Sexual Violence

The New Hampshire Coalition Against Domestic and Sexual Violence ("NHCADSV") is a non-profit organization incorporated in the State of New Hampshire for the purpose of providing services and advocacy on behalf of the victims of domestic violence and their minor children. NHCADSV is comprised of fourteen programs throughout New Hampshire that have been established to provide services to survivors of sexual assault and victims of domestic violence and their children. For eighteen years, it has advertised that its services are confidential. To that end, NHCADSV requires that each program affiliated with it comply with legislatively mandated requirements under New Hampshire's confidential communication statute. NHCADSV provides technical assistance to domestic violence programs in New Hampshire about strategies for preventing any breach of confidential communications and for responding to and resisting requests for disclosure. Additionally, it participated as intervenor in litigation concerning the introduction of Caller*ID services in New Hampshire to safeguard the privacy of telecommunications between battered women and counselors.

New Jersey Coalition for Battered Women

The New Jersey Coalition for Battered Women ("NJCBW") is a statewide coalition of domestic violence service programs and concerned individuals whose purpose and mission is to end violence in the lives of women. Incorporated in 1979, NJCBW is a private, non-profit corporation whose members include all twenty-three domestic violence programs in New Jersey.

New York City Coalition of Battered Women's Advocates

The New York City Coalition of Battered Women's Advocates was formed in 1990 as a not-for-profit organization. It is comprised of eleven organizations dedicated to ending violence in the lives of women and children in New York City.

North Dakota Council on Abused Women's Services

The North Dakota Council on Abused Women's Services ("NDCAWS") is a non-profit coalition of 19 domestice violence and sexual assault advocacy organizations. NDCAWS has guarded the confidentiality between battered women and advocates by initiating state legislation, developing model policies for its members, and monitoring compliance with those policies. It has taken an active role in modifying the state laws and policies governing confidentiality. In the last North Dakota legislative session, for example, it was successful in securing passage of legislation protecting the counseling records of juveniles from their own parents, if it was determined that personal safety issues were at stake.

NOW Legal Defense and Education Fund

The NOW Legal Defense and Education Fund ("NOW LDEF") is a leading national non-profit civil rights organization that performs a broad range of legal and educational services in support of women's efforts to eliminate sex-based discrimination and to secure equal rights. NOW LDEF was founded as an independent organization in 1970 by leaders of the National Organization for Women. NOW LDEF has been engaged on many fronts in efforts to eliminate gender-motivated violence. Most notably, NOW LDEF chaired the national task force that was instrumental in passing the historic Violence Against Women Act. It maintains a national legal clearinghouse tracking legal developments under that legislation. NOW LDEF has participated as counsel and as *amicus curiae*

in numerous cases in support of the rights of women who have been the victims of domestic and other gender-motivated violence.

Oklahoma Coalition Against Domestic Violence and Sexual Assault

The Oklahoma Coalition Against Domestic Violence and Sexual Assault ("OCDVSA") is a not-for-profit organization incorporated in Oklahoma for the purpose of providing advocacy on behalf of the victims of domestic violence and their minor children. OCDVSA is a membership organization of twenty-three shelters, hotlines, counseling programs, safe home networks, legal advocacy projects, and transitional housing projects for battered women and their dependent children in the Commonwealth. For almost fifteen years, OCDVSA has provided training and technical assistance to domestic violence programs, the bar, the courts, and law enforcement agencies on issues of domestic violence and custody. For more than fifteen years, it has advertised that its services are confidential and that it safeguards information concerning whether an abused adult has sought or is receiving services; the content of communications, whether occurring on hotlines, in shelters, or in advocacy services; the specifics of services sought and rendered; the particulars of safety plans developed; and the confidentiality of shelter addresses.

Oregon Coalition Against Domestic and Sexual Violence

The Oregon Coalition Against Domestic and Sexual Violence ("OCADSV") is a non-profit corporation, incorporated under the laws of the State of Oregon since 1978. The OCADSV has thirty-one member programs that provide direct services to victims of domestic and sexual violence throughout Oregon. All member programs have adopted confidentiality policies to protect communications between advocates and service recipients. Advocates receive at least forty hours of training on domestic and sexual violence lay counseling as well as other services.

The majority of people who use OCADSV's services cannot afford private counseling. Its programs have successfully resisted a number of incidents where abusers attempted to use the legal system to locate and gain access to their victims.

Pennsylvania Coalition Against Domestic Violence

The Pennsylvania Coalition Against Domestic Violence, Inc. ("PCADV") is a not-for-profit organization incorporated in the Commonwealth of Pennsylvania for the purpose of providing services and advocacy on behalf of the victims of domestic violence and their minor children. PCADV is a membership organization of sixty-one shelters, hotlines, counseling programs, safe home networks, legal advocacy projects, and transitional housing projects for battered women and their dependent children in the Commonwealth. For almost twenty years, PCADV has provided training and technical assistance to domestic violence programs, the bar, the courts, and law enforcement agencies on issues of domestic violence and custody. For more than twenty years, it has advertised that its services are confidential and that it safeguards whether an abused adult has sought or is receiving services; the content of communications, whether ocurring on hotlines, in shelters, or in advocacy services; the specifics of services sought and rendered; the particulars of safety plans developed; and the confidentiality of shelter addresses. To that end, PCADV requires that each program affiliated with it institute a confidentiality/non-disclosure policy, and its office monitors both content and compliance therewith. PCADV provides technical assistance to domestic violence programs in the Commonwealth about strategies for preventing any breach of confidential communications and for responding to and resisting requests for disclosure. It offers seminars for domestic violence centers on a range of issues critical to assuring the privacy and confidentiality of communications of battered women with counselor/advocates.

PCADV has crafted various legislative initiatives and participated in public policy development at the state and federal levels to safeguard the confidentiality of communications and addresses/locations of battered women and children seeking to escape from violence. PCADV was instrumental in assuring that the Model Code on Domestic and Family Violence, issued by the National Council of Juvenile and Family Court Judges, contained a victim/counselor privilege. It has authored portions of various scholarly and practice guides on confidential communications between battered women and advocates. PCADV is engaged in litigation and public policy development to safeguard the privacy of telecommunications between battered women and advocates.

The Roswell Refuge for Battered Adults

The Roswell Refuge for Battered Adults ("Roswell Refuge"), serving victims of domestic violence in Chaves County, New Mexico, is a member of the New Mexico Coalition Against Domestic Violence and provides confidential advocacy, shelter, and crisis intervention services to battered adults. Roswell Refuge has guaranteed confidentiality to all clients, except when the issues of child abuse, homicide, and/or suicide otherwise mandate.

SAFE Homes-Rape Crisis Coalition

The SAFE Homes-Rape Crisis Coalition ("SAFE Homes") is a not-for-profit organization in Spartanburg, South Carolina that provides services and advocacy on behalf of the victims of domestic violence and their minor children in Spartanburg, Cherokee and Union Counties. Sexual assault services are provided to victims in Spartanburg and Cherokee Counties. SAFE Homes' services include emergency shelter, a 24-hour hotline, counseling programs, support groups, legal advocacy and transitional housing.

Texas Council on Family Violence

The Texas Council on Family Violence ("TCFV") is a non-profit membership association founded in 1978, incorporated in the State of Texas. TCFV represents sixty-two shelters for battered women, twenty-six programs for batterers, and four family violence legal assistance programs, as well as individuals and other organizations working to end violence against women statewide. TCFV has also served as an advocate for battered women and children nationally by helping to formulate public policy, laws, and regulations on the federal level related to the crimes of violence against women.

Wisconsin Coalition Against Domestic Violence

The Wisconsin Coalition Against Domestic Violence ("WCADV") is a non-profit organization, incorporated in the State of Wisconsin. Founded in 1978, WCADV is a statewide membership organization of battered women, formerly battered women, domestic abuse programs, and individuals committed to ending domestic violence. The mission of the WCADV is to eliminate domestic violence by changing societal attitudes, practices and policies about women from diverse groups, their children, and violence. These goals are accomplished through education, advocacy, and social action.